

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

PROGRESSIVE MOUNTAIN  
INSURANCE COMPANY,

Petitioner,

v.

ROBERT RADCLIFF,  
VBC EXPRESS LOGISTICS, LLC,  
KEA TRANSPORTATION GROUP,  
LLC, and MARGARET MELZER,

Respondents.

Civil Action File No.:  
1:23-cv-02322-JPB

**DEFENDANT MELZER'S  
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, Defendant Margaret Melzer (“Melzer”) moves the Court for summary judgment on the Progressive’s Petition for Declaratory Judgment.

Specifically, Melzer seeks: 1) summary judgment declaring that Progressive has a duty to defend Respondents Robert Radcliff, VBC Express Logistics, LLC, and KEA Transportation Group, LLC in the underlying tort litigation case, and 2) that Progressive’s declaratory judgment claim regarding its duty to indemnify be dismissed without prejudice for lack of subject-matter jurisdiction.

This motion is supported by the following:

- Brief in Support of Defendant Melzer’s Motion for Summary Judgment, with exhibits; and
- Defendant Melzer’s Statement of Undisputed Material Facts.

Respectfully submitted this 11th day of October, 2024.

**SHIVER HAMILTON CAMPBELL, LLC**

*/s/ Darrell Hinson*

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**LOCAL RULE 7.1(D) CERTIFICATION OF COMPLIANCE**

I hereby certify that the foregoing complies with the font and point selections approved by the Court in Local Rule 5.1(C). It is prepared in Times New Roman 14-point font.

Respectfully submitted this 11th day of October, 2024.

**SHIVER HAMILTON CAMPBELL, LLC**

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## **CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2024, I electronically filed the foregoing *Defendant Melzer's Motion for Summary Judgment* with the Clerk of the Court using the CM/ECF system which will automatically e-mail notification of same to the following parties of record as follows, and via United States Mail to the default Respondent at the last known address, as follows:

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